

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DAVID R. MARKIN, individually and as trustee of  
the David Markin Charitable Remainder Unitrust #1,  
and David R. Markin Charitable Remainder Unitrust  
#2, SOUTHPAC INTERNATIONAL TRUST LTD.,  
as trustee of the David R. Markin 2003 Trust,  
DAVID R. MARKIN 2003 TRUST, DAVID  
MARKIN CHARITABLE REMAINDER  
UNITRUST #1, DAVID R. MARKIN  
CHARITABLE REMAINDER UNITRUST #2,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05224 (SMB)

**ORDER RE: MOTION FOR SUBSTITUTION PURSUANT TO FED. R. CIV. P. RULE  
25 AND BANKR R. 7025 OF ESTATE OF DAVID R MARKIN FOR DEFENDANT  
DAVID R. MARKIN SOLELY IN HIS CAPACITY AS HOLDER OF  
RELATED ACCOUNT CUSTOMER CLAIM**

Upon the motion (the “Substitution Motion”) of the estate of David R. Markin (the “Markin Estate”), through its Personal Representative, for an order pursuant to Fed. R. Civ. P. Rule 25 made applicable to bankruptcy proceedings by virtue of Rule 7025 of the Fed. R. of Bankr. P. substituting the Markin Estate for defendant David Markin, solely in his capacity as the holder of claim against Bernard L. Madoff Investment Securities LLC (“BLMIS”), which claim is referred to as the “Related Account Customer Claim” in connection with the Estate of David R. Markin’s Motion to Dismiss the First Amended Complaint and the Trustee’s Cross Motion for Leave to Amend the Complaint; and the Declaration of Carole Neville in support of the motion; the Trustee of BLMIS having filed his opposition to the Markin Estate’s Substitution Motion; and upon the arguments of counsel at the hearing before this Court on November 1, 2017; and after due deliberation thereon and sufficient cause appearing therefor; it is hereby:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is granted.
2. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: **November 14, 2017**  
New York, New York

**/s/ STUART M. BERNSTEIN**  
THE HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE